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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,317	05/15/2001	Dhiren K. Marjadi	AEI-177-A	1121

7590 01/06/2009  
Andrew R. Basile  
Young & Basile, P.C.  
3001 West Big Beaver Road, Suite 624  
Troy, MI 48084

EXAMINER
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AUGUSTIN, EVENS J

ART UNIT	PAPER NUMBER
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3621

MAIL DATE	DELIVERY MODE
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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte DHIREN K. MARJADI, JAMES R. SCAPA,  
JAMES E. BRANCHEAU and JAMES P. DAGG

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Application No. 09/855,317  
Technology Center 3600

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Mailed: January 6, 2009

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Before GLORIA HENDERSON, *Review Team Paralegal*  
HENDERSON, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on September 29, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter(s) requiring attention prior to docketing are identified below.

REPLY BRIEF

On April 4, 2008, applicants filed a timely Reply Brief. In accordance with the revision effective September 13, 2004, Title 37, Code of Federal Regulations, §41.43 states:

(a)(1)... the primary examiner must acknowledge receipt and entry of the reply brief. In addition, the primary examiner may withdraw the final rejection and reopen prosecution or may furnish a supplemental examiner's answer responding to any new issue raised in the reply brief.

EXAMINER'S ANSWER

Upon review of the Examiner's Answer filed on February 5, 200, there is no indication that an appeal conference has been conducted..

See, § 1207.01 of the Manual of Patent Examining Procedure (MPEP) (8th Ed., Rev. 3, August 2005) it states:

On the examiner's answer, below the primary examiner's signature, the word "Conferees:" should be included, followed by the typed or printed names of the other two appeal conference participants. These two appeal conference participants must place their initials next to their name. This will make the record clear that an appeal conference has been held. [Emphasis added.]

Accordingly, it is

**ORDERED** that the application is being electronically returned to the Examiner;

- 1) for consideration and proper response to the Reply Brief filed April 4, 2008;
- 2) for taking corrective action regarding the appeal conference; and
- 3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

GJH

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